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Kyle Everett

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re

BENJA INCORPORATED

Debtor.

Case No. 20-30819 DM

Chapter 11

**DECLARATION OF STEPHEN D.  
FINESTONE IN SUPPORT OF  
MOTION FOR ORDER  
SHORTENING TIME FOR  
HEARING ON THE TRUSTEE'S  
MOTION TO CONVERT CASE TO  
CHAPTER 7**

I, Stephen D. Finestone, declare as follows:

1. I am a partner at Finestone Hayes LLP, counsel to Kyle Everett (the "Trustee"), the Court-appointed Chapter 11 trustee in this case. I make this declaration in support of the Motion for an Order Shortening Time for Notice and Hearing on the Trustee's Motion to Convert Case to Chapter 7 (the "Underlying Motion"). I have personal knowledge of the facts set forth below, except those stated on information and belief, and as to those facts, I am informed and believe them to be true. If called upon to testify as a witness, I could and would competently testify to those facts.

2. The Trustee seeks a conversion of this case to a Chapter 7 proceeding and does not wish to wait the normal notice period for the hearing to be held. The Trustee does not

1 anticipate any opposition to the Underlying Motion. In fact, the active creditors in the case  
2 support conversion.

3 3. The Trustee had initially intended to seek conversion via a stipulation, but upon  
4 consultation with the Office of the United States Trustee, the Trustee decided to seek  
5 conversion by noticed motion.

6 4. There have been no previous time modifications related to the subject of this  
7 request.

8 5. This request, if granted, will have little to no effect on the schedule for the case  
9 or proceeding, and it does not affect any other matters pending before this Court.

10 6. I contacted counsel for various parties active in the case, including Busey Bank,  
11 E-Revshare Core, LLC, XRC Growth Fund I, L.P. and XRC Fund III, LLC and the Office of  
12 the U.S. Trustee regarding the request to shorten time. Initially I advised that the Trustee  
13 intended to seek a shortening of time to January 22, 2021. All the parties indicated that they  
14 had no objection to the shortening of time. Subsequently and in light of the January 18, 2021  
15 holiday, the Trustee decided to request a hearing for January 29, 2021 rather than January 22<sup>nd</sup>.

16  
17 I declare under penalty of perjury that the forgoing is true and correct. Executed on  
18 January 15, 2021 in San Francisco, California.

19 /s/ Stephen D. Finestone  
20 Stephen D. Finestone  
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